

Application No.: 10/758,504
Reply to Office Action mailed on 8/24/2006
Response dated September 7, 2006

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REMARKS

In response to the above-identified Office Action, Applicants request consideration of the following remarks. In this Office Action, Applicants do not amend, cancel, or add any claims. Accordingly, claims 1-22 remain pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1-13 and 15-22 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,764,012 issued to Connelly et al. ("*Connelly*") in view of U.S. Patent No. 5,946,617 issued to Portaro et al. ("*Portaro*"). Applicants traverse the rejection.

To render a claim obvious, the cited references must teach or suggest all of the elements of the rejected claim (see MPEP § 2143). Among other elements, independent claim 1 defines "a wireless data communications device, arranged to be installed in a light fixture having a lamp socket for receiving a lamp, comprising: ... a connector on said housing arranged to engage said lamp socket on said light fixture" (emphasis added). Applicants submit the combination of *Connelly* and *Portaro* fails to teach or suggest at least these elements of claim 1.

In making the rejection, the Examiner alleges "Connelly et al discloses a wireless data communications device (figs. 16-17), arranged to be installed in a light fixture having a lamp socket for receiving a lamp (col. 9, lines 2-56)...". Applicants respectfully disagree with the Examiner's characterization of the disclosure in *Connelly*.

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Connelly discloses “a signaling arrangement and method for use in a wireless local area network managed by a system manager include [sic] a reader for electro-optically reading bar code symbols” (Abstract). In column 9, lines 2-56 (the section cited by the Examiner) *Connelly* discloses an embodiment including a separate detector unit (reference numeral 70) that includes a fixed bank of photodetectors (reference numeral 72) that are capable of detecting/reading light reflected from a bar code symbol (reference numeral 13) of an item (reference numeral 11) to identify the item (see *Connelly*, Col. 9, lines 2-6). *Connelly* continues:

The detector unit could be mounted to a stand 74 which is positioned adjacent a conveyor 76 along which the item 11 is passing. Alternatively, the detector unit 70 could be mounted in or secured to a cash register, could be mounted to the ceiling, or may be suspended from the ceiling by a cable similar to a hanging lamp, or could be mounted within a tunnel which surrounds or at least partially surrounds the conveyor. (Col. 9, lines 6-13, emphasis added).

As such, Applicants submit *Connelly* discloses a signaling arrangement and method to identify items on a conveyor, wherein the detector unit “may be suspended from the ceiling by a cable similar to a hanging lamp.”

By contrast, claim 1 recites “a wireless data communications device arranged to be installed in a light fixture” (emphasis added). Clearly, one skilled in the art knows that a detector unit that may be suspended from the ceiling by a cable similar to a hanging lamp is not the same as a wireless data communications device arranged to be installed in a light fixture. The disclosure in *Connelly* discloses the orientation (i.e., from the ceiling) and manner (i.e., suspended) in which the detector unit may be located proximate to the conveyor, whereas claim 1 defines that the wireless data

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communications device is arranged to be installed in a light fixture. In other words, *Connelly* teaches that the detector unit may be affixed to a ceiling in a manner similar to a hanging lamp, not that the detector unit is arranged to be installed in a light fixture itself. Therefore, *Connelly* fails to teach or suggest all of the elements of claim 1. The Examiner relies on the disclosure in *Portaro* to cure the defects of *Connelly*, however, Applicants submit *Portaro* fails to cure such defects.

The Examiner characterizes *Portaro* as showing “a cellular communication system which eliminates high costs and difficulties associated with providing electrical power to the access points” (Paper No./Mail Date 20060205, page 4). The Examiner does not cite *Portaro* as disclosing “a wireless data communications device arranged to be installed in a light fixture,” as recited in claim 1. Moreover, in reviewing *Portaro* in its entirety, Applicants are unable to discern any sections of *Portaro* as teaching or suggesting such elements. Therefore, *Portaro* fails to cure the defects of *Connelly*.

The failure of the combination of *Connelly* and *Portaro* to teach or suggest all of the elements of claim 1 is fatal to the obviousness rejection. Therefore, claim 1 is not obvious over *Connelly* in view of *Portaro*. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 1.

Claims 2-11 either directly or indirectly depend from claim 1 and include all of the elements thereof. Therefore, Applicants submit the discussion above regarding the combination of *Connelly* and *Portaro* failing to teach or suggest all of the elements of claim 1 is equally applicable to claims 2-11. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-11.

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With regard to the rejection of independent claim 12, Applicants submit claim 12 includes the elements of "A wireless data communications device, arranged to be installed in a light fixture" similar to claims 1-11 discussed above. As such, Applicants submit the discussion above regarding the combination of *Connelly* and *Portaro* failing to teach or suggest similar elements recited in claim 1 is equally applicable to claim 12. Therefore, claim 12 is not obvious over *Connelly* in view of *Portaro*. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 12.

Claims 13 and 15-21 either directly or indirectly depend from claim 12 and include all of the elements thereof. Therefore, Applicants submit the discussion above regarding the combination of *Connelly* and *Portaro* failing to teach or suggest all of the elements of claim 12 is equally applicable to claims 13 and 15-21. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 13 and 15-21.

With regard to the rejection of claim 22, Applicants submit claim 22 includes the elements of "A wireless data communications device, arranged to be installed in a florescent light fixture," which includes elements similar to claims 1-13 and 15-21 discussed above. As such, Applicants submit the discussion above regarding the combination of *Connelly* and *Portaro* failing to teach or suggest similar elements recited in claims 1-13 and 15-21 is equally applicable to claim 22, in addition to claim 22's recitation of a "florescent light fixture". Therefore, claim 22 is not obvious over *Connelly* in view of *Portaro*. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 22.

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Claim 14 stands rejected under 35 U.S.C. § 103(a) as being obvious over *Connelly* in view of *Portaro* and further in view of U.S. Patent No. 6,654,378 issued to Mahany et al. ("*Mahany*"). Applicants traverse the rejection.

Claim 14 depends from claim 12 and includes all of the elements thereof. Applicants have discussed above the failure of the combination of *Connelly* and *Portaro* to teach or suggest all of the elements of claim 12 and submit such discussion is equally applicable to claim 14. Therefore, the combination of *Connelly* and *Portaro* fails to teach or suggest all of the elements of claim 12. The Examiner relies on the disclosure in *Mahany* to cure the defects of *Connelly* and *Portaro*, however, Applicants submit *Mahany* fails to cure such defects.

The Examiner characterizes *Mahany* as showing "a typical communication exchange between a peripheral LAN master device having virtually unlimited power resources and a peripheral LAN slave device" (Paper No./Mail Date 20060205, page 8). The Examiner does not cite *Mahany* as disclosing "a wireless data communications device arranged to be installed in a light fixture," as recited in claim 14 by virtue of its dependence on claim 12. Moreover, in reviewing *Mahany* in its entirety, Applicants are unable to discern any sections of *Mahany* as teaching or suggesting such elements. Therefore, *Mahany* fails to cure the defects of *Connelly* and *Portaro*.

The failure of the combination of *Connelly*, *Portaro* and *Mahany* to teach or suggest all of the elements of claim 14 is fatal to the obviousness rejection. Therefore, claim 14 is not obvious over *Connelly* in view of *Portaro* and in further view of *Mahany*. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 14.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Date

9/7/06


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